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FILED

DEC 20 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 13-00790 PJH
)	
Plaintiff,)	
)	
v.)	
)	
CHARLES EDWARD MOSS, JR.,)	
)	
Defendant.)	

Defendant Charles Edward Moss, Jr., is charged with one count of possession with intent to distribute and distribution of cocaine base in the form of "crack" within 1,000 feet of a school, in violation of 21 U.S.C. §§ 841(a)(1) and 860(a).

The government moved for the defendant's detention pursuant to 18 U.S.C. § 3142, and requested a detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the crime charged, there is a rebuttable presumption that no conditions or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. *See* 18 U.S.C. § 3142(e)(3)(A). On December 19, 2013, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial Services bail study and oral proffers of counsel as reflected on the record, and the factors set forth in 18 U.S.C. § 3142(g), the Court ordered the defendant

1 detained, as no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the
2 appearance of the defendant as required and the safety of any other person and the community.

3 Specifically, the presumption pursuant to 18 U.S.C. § 3142(e)(3)(A) had not been rebutted by the
4 defendant. The Court noted that the defendant's criminal history as reflected in the Pretrial Services bail
5 study and summarized by the government at the hearing demonstrates that the defendant would be a
6 danger to the community if released. ~~The charged conduct and other recent activity by the defendant~~
7 ~~proffered by the government are consistent with that history.~~ Therefore, the defendant is ordered
8 detained as no condition or combination of conditions will reasonably assure the appearance of
9 defendant as required and the safety of any other person and the community.

10 The defendant may request a further detention hearing should his circumstances change at any
11 future time. *See* 18 U.S.C. § 3142(f).

12 The defendant is committed to the custody of the Attorney General or a designated representative
13 for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
14 serving sentences or held in custody pending appeal. 18 U.S.C. § 3142(i)(2). The defendant must be
15 afforded a reasonable opportunity to consult privately with counsel. 18 U.S.C. § 3142(i)(3). On order
16 of a court of the United States or on request of an attorney for the government, the person in charge of
17 the corrections facility must deliver the defendant to the United States Marshal for court appearances.
18 18 U.S.C. § 3142(i)(4).

19
20 IT IS SO ORDERED.

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23 DATED: December 20, 2013



24 HON. DONNA M. RYU
25 United States Magistrate Judge
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